

REMARKS

Reconsideration is requested for claims 59-77 and 116-117. Applicants thank the Examiner for the indication in related case serial no. 09/265,946, that the claims in that case, which are directed to an ammunition article, are in condition for allowance. Applicants respectfully submit that the same arguments that convinced the Examiner of the allowability of the ammunition article claims in the related case, apply to the method claims in this case since the same references are applied in the rejections of the present application.

Claim 59 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 2,862,446 to *Ringdal*. Claims 59, 62, and 63 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,726,296 to *Leshner* in view of *Ringdal*. Claims 60-61, 64, and 116-117 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Leshner* and *Ringdal* in view of U.S. Patent No. 3,745,924 to *Scanlon*. Claims 65-77 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Leshner* and *Ringdal* in view of U.S. Patent No. 3,144,827 to *Boutwell*.

Initially, it is not understood why claim 59 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Ringdal*. As the applicant had previously pointed out, claim 59 defines a method of making an ammunition article, comprising the steps of injection molding plastic around at least a portion of a projectile to form a tubular cartridge casing body having a first end closed only by the projectile and a second end. *Ringdal* discloses a

cartridge with a plastic casing body having a radial partition wall 6 therein and, therefore, does not disclose molding plastic around at least a portion of the projectile to form a tubular plastic cartridge casing body having a first end closed only by the projectile and a second end. The partition wall is necessary to anchor the projectile and is necessary to the proper functioning of the cartridge in *Ringdal*. Withdrawal of the rejection under 35 U.S.C. § 102(b) is therefore respectfully requested.

Regarding the rejections under 35 U.S.C. § 103(a), based on a combination of *Leshner* and at least *Ringdal*, it appears to be the position of the Examiner that one of ordinary skill in the art would modify the disclosure of *Leshner* of a projectile that is held in a plastic casing body by an apparent interference fit. *Leshner* does not disclose how to injection mold plastic around a portion of a projectile to form a tubular plastic cartridge casing body having a first end closed only by the projectile and a second end. The only disclosure of molding plastic around a projectile is in *Ringdal*, which requires the use of the radial partition wall at the bottom of the projectile. There is nothing in the prior art that suggests any likelihood of success if the partition wall is removed. All of the prior art that discloses injection molding a casing around a projectile requires some form of structure similar to that shown in *Ringdal*.

Moreover, *Leshner* would not have been modified to provide an injection molded plastic portion around a projectile. The entire disclosure of *Leshner* is directed to overcoming problems with interference fits between plastic casings and metal bases by providing a so-called stress modulator ring or other arrangement directed to overcoming

problems with interference fits between bases and plastic casings. Modifying *Leshner* in view of *Ringdal* to injection mold a plastic casing around a base of a projectile would destroy the alleged invention of *Leshner* for its intended function, namely, overcoming problems of stress, cracking and creep and interference fits between plastic casings and metal bases in ammunition articles.

The remaining references, *Scanlon* and *Boutwell*, have been discussed in connection with *Ringdal* in other communications. It is not believed that these references cure any defects of *Leshner* or *Ringdal*.

It is respectfully submitted that all of the pending claims, claims 59-77 and 116-117, are in condition for allowance. Allowance is respectfully requested.

If the Examiner should be of the opinion that a telephone conference would be helpful in resolving any outstanding issues, the Examiner is urged to contact the undersigned.

Respectfully submitted,

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